

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

517I0506

## SENATE EDUCATION COMMITTEE ENGROSSED NO. **HB 1068** - 02/13/2003

Introduced by: Representatives McCaulley, Begalka, Christensen, Deadrick (Thomas),  
Garnos, Hennies, Koistinen, McCoy, Weems, Wick, and Williamson and  
Senators Schoenbeck, Abdallah, Dempster, and Napoli

1 FOR AN ACT ENTITLED, An Act to permit home school students to participate in high school  
2 interscholastic activities.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-36-4 be amended to read as follows:

5 13-36-4. The school board of a public or the governing body of a nonpublic school, approved  
6 and accredited by the secretary of the Department of Education and Cultural Affairs, may  
7 delegate, on a year to year basis, the control, supervision, and regulation of any ~~and all~~ high  
8 school interscholastic activities to any association which is voluntary and nonprofit; ~~provided that~~  
9 if membership in such association is open to all high schools approved and accredited by the  
10 secretary of the Department of Education and Cultural Affairs, including any school that allows  
11 participation by students receiving alternative education as set forth in § 13-27-3, pursuant to  
12 the provisions of this title, and ~~that~~ if the constitution, bylaws, and rules of the association are  
13 subject to ratification by the school boards of the member public school districts and the  
14 governing boards of the member nonpublic schools and include a provision for a proper review



1 procedure and review board.

2 Any association which complies with this section ~~is hereby authorized and empowered to~~  
3 may exercise the control, supervision, and regulation of interscholastic activities, including  
4 interscholastic athletic events of member schools. Such association ~~is hereby further authorized~~  
5 ~~and empowered to~~ may promulgate reasonable uniform rules, to make decisions and to provide  
6 and enforce reasonable penalties for the violation of such rules.

7 Section 2. That § 13-36-7 be amended to read as follows:

8 13-36-7. Any student enrolling in a South Dakota district pursuant to § 13-15-21 is eligible  
9 to participate in any interscholastic activity sponsored by the South Dakota High School  
10 Activities Association. If the school board or governing body of an accredited school approves,  
11 a student receiving alternative instruction pursuant to § 13-27-3 is eligible to participate in any  
12 interscholastic activity sponsored by the South Dakota High School Activities Association.  
13 Nothing in this section confers any vested right in any student wishing to participate in any  
14 interscholastic activity to be selected for competition in such activity. However, any accredited  
15 school student who leaves an accredited program during the course of the school year for any  
16 reason and enters an alternative education program is ineligible for participation in interscholastic  
17 activities for one year beginning on the date in which the student enters the alternative program.